

Attorney Docket No. MSU 4.1-541
Appl. No. 09/761,143
Amdt. Dated: March 2, 2007
Reply to Office Action of December 15, 2006

REMARKS

Claims 1, 3-6, 15-18, 27-30 and 34 are pending. It is noted that the face sheet of the Office Action incorrectly recites the claims pending in the application and Applicant is responding based upon the pending claims. No claims are allowed.

Independent Claims 1 and 27 have been amended to call for a "food grade acid" to prevent decomposition of the mixture which contains isolated anthocyanin as in Examples 1 and 2 on pages 12 and 13 of the application. Examples 1 and 2 and page 8, lines 19 to 26, also show the removal of the natural acids and sugars, as now claimed.

Claims 1, 4-15, 18, 27-29 and 30 were rejected under 35 USC 102(b) based upon public use. This rejection is obviated by the amendment to call for removal of the acids and sugars and to incorporate an added food grade acid in the mixture. Reconsideration of this rejection is requested.

Claims 1, 3 and 5-25 were rejected under 35 USC 103(a) as unpatentable over Gryglewski et al. (1987) in view of Lietti et al. (GB 1,589,294).

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Gryglewski et al. describes the use of cyanidol as an anti-inflammatory. There is no suggestion of the claimed mixture as acknowledged in the Office Action. There is particularly no suggestion of the removal of natural acids and sugars or the use of food grade acids, and in fact, none would be needed by the reference, since cyanidin is the aglycone version and does not hydrolyze further. Lietti et al. discloses the anthocyanins as a source of cyanidin. The use for a food grade acid to prevent decomposition of the mixture could not have been deduced from Lietti et al., since the concern is the hydrolysis of the anthocyanin to cyanidin before administration. One skilled in the art could not possibly have derived the claimed invention from this combination of references. Reconsideration of this rejection is requested.

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It is now believed that Claims 1, 3-6, 15-18, 27-30 and 34 are in condition for allowance.
Notice of Allowance is requested.

Respectfully



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